

**REMARKS**

Claims 1-36 are pending in this application. By this Amendment, 1, 4 and 5 are amended to distinguish over the applied references, and claim 3 is amended to be in independent form. No new matter is added by this Amendment.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Allowable Subject Matter

Applicants note with appreciation that claims 3, 16 and 17 are allowable.

II. Rejections Under 35 U.S.C. §102

A. Sharma

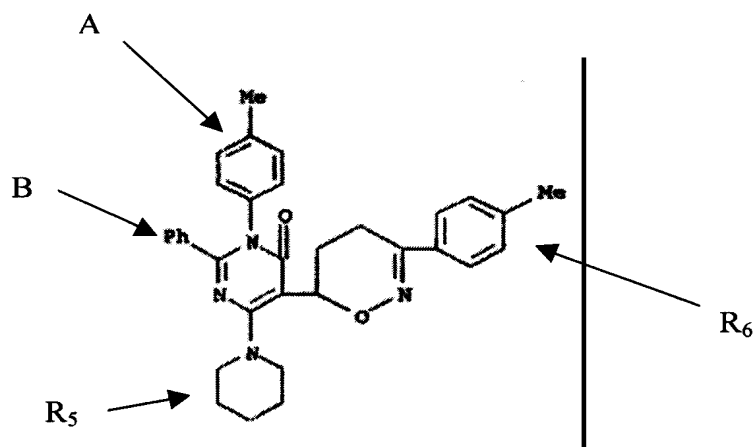
Claims 1, 2, 14 and 15 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Sharma et al. CAPLUS Abstract 123:313866 (1995) ("Sharma"). This rejection is respectfully traversed.

The Patent Office cites to compound RN 170311-67-8 of Sharma as allegedly teaching the compound recited in claim 1. Applicants disagree.

Sharma does not teach or suggest the compound of formula (I) when (1)  $R^2$  and  $R^4$  may be same or different and independently represent halogen, hydroxyl, nitro, cyano, azido, nitroso, amino, formyl, alkyl, haloalkyl, acyl, alkoxy, monoalkylamino, dialkylamino,

acylamino, alkoxycarbonyl,  $SR^7$ ,  $S(O)_pR^8$ , alkoxyalkyl groups or carboxylic acids, and (2) when n is an integer and is in a range of 1 to 4, as required in claims 1, 2, 14 and 15.

Following is RN 170311-67-8 of Sharma with labels corresponding to the substituents of the present claims:



Clearly, the  $R_4$  of the B ring in this compound taught by Sharma would have to be hydrogen. Thus, Sharma does not teach or suggest all of the features recited in the present claims.

For the foregoing reasons, Sharma does not teach or suggest all of the features recited in claims 1, 2, 14 and 15. Reconsideration and withdrawal of the rejection are thus respectfully requested.

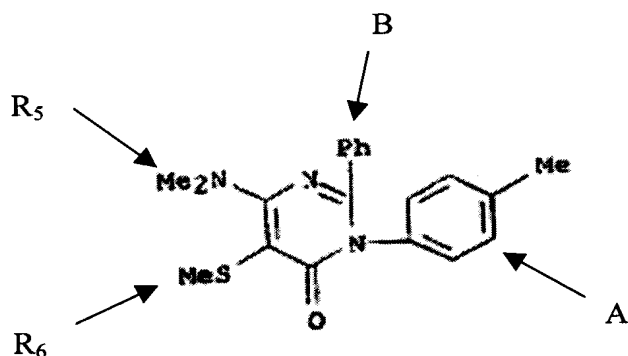
B. Mazumdar

Claims 1, 2, 14 and 15 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Mazumdar et al. CAPLUS Abstract 121:157595 ("Mazumdar"). This rejection is respectfully traversed.

The Patent Office cites to compounds RN 157333-51-2, 157333-52-3, 157333-53-4, 157333-54-5, 157333-55-6, 157333-56-7, 157333-57-8 and 157333-58-9 of Mazumdar as allegedly teaching the compound of formula (I) as recited in claim 1. Applicants disagree.

Mazumdar does not teach or suggest the compound of formula (I) when (1)  $R^2$  and  $R^4$  may be same or different and independently represent halogen, hydroxyl, nitro, cyano, azido, nitroso, amino, formyl, alkyl, haloalkyl, acyl, alkoxy, monoalkylamino, dialkylamino, acylamino, alkoxycarbonyl,  $SR^7$ ,  $S(O)_pR^8$ , alkoxyalkyl groups or carboxylic acids, and (2) when  $n$  is an integer and is in a range of 1 to 4, as required in claims 1, 2, 14 and 15.

Following is RN 157333-51-2 of Mazumdar, which is exemplary of the compounds taught by Mazumdar, with labels corresponding to the substituents of the present claims:



As with Sharma, Mazumdar also teaches that the  $R_4$  of the B ring in the compounds taught therein would be hydrogen. Thus, Mazumdar also does not teach or suggest all of the features recited in the present claims.

For the foregoing reasons, Mazumdar does not teach or suggest all of the features recited in claims 1, 2, 14 and 15. Reconsideration and withdrawal of the rejection are thus respectfully requested.

### III. Rejoinder

As pointed out by the Patent Office, upon allowance of product claims, process claims which depend from or otherwise include all of the limitations of the product claims should be entered and similarly allowed. MPEP §821.04. As such, upon allowance of product claims

1-3 and 14-17, Applicants submit that at least claims 4-8 and 18-36 directed to the process of making and using the pyrimidone of formula (I) should be rejoined and similarly allowed.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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